

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 19-1102****September Term, 2019****NLRB-20CA139745****Filed On:** October 3, 2019

The Committee to Preserve the Religious  
Right to Organize,

Petitioner

v.

National Labor Relations Board,

Respondent

**BEFORE:** Rogers, Tatel, and Srinivasan, Circuit Judges

**ORDER**

Upon consideration of the motion to dismiss, the response thereto, and the reply; and the motion for leave to file a supplemental declaration, and the lodged declaration, it is

**ORDERED** that the motion for leave to file a supplemental declaration be granted. The Clerk is directed to file the lodged declaration. It is

**FURTHER ORDERED** that the motion to dismiss be granted. Petitioner has not established that it has standing pursuant to Article III of the United States Constitution. See Hydro Investors, Inc. v. FERC, 351 F.3d 1192, 1197 (D.C. Cir. 2003) (“Administrative agencies need not adjudicate only Article III cases and controversies, but federal courts must. If the petitioner has no Article III concrete interest in receiving the relief requested before the agency . . . Congress has no power to grant a petitioner a right to seek judicial review of an agency’s decision to deny him relief.”).

Insofar as petitioner asserts that its role as the charging party in the underlying agency proceeding is sufficient to establish Article III standing, this court has previously noted that “it does not follow that participation [in an agency proceeding] in and of itself provides a springboard for judicial review, for the party still must meet judicial standing requirements.” United States v. Federal Maritime Comm’n, 694 F.2d 793, 800 n.25 (D.C. Cir. 1982). Particularly where, as here, a charge may be filed with an agency by

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any party, regardless of whether that party has a direct stake in the subject matter of the charge, a party must still demonstrate that it meets the requirements for asserting standing. See Hydro Investors, 351 F.3d at 1197; see also Sierra Club v. EPA, 292 F.3d 895, 898 (D.C. Cir. 2002); Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992).

Insofar as petitioner asserts that it has suffered a particularized injury-in-fact because the agency orders on review harm petitioner's generalized interest in advocating for the right to participate in collective labor action, it is well settled that "an organization's abstract concern with a subject that could be affected by an adjudication does not substitute for the concrete injury required by Article III." Simon v. Eastern Kentucky Welfare Rights Organization, 426 U.S. 26, 39-40 (1976); see also, e.g., American Soc. for Prevention of Cruelty to Animals v. Feld Entertainment, Inc., 659 F.3d 13, 24-25 (D.C. Cir. 2011) ("[O]rganizations who seek to do no more than vindicate their own value preferences through the judicial process generally cannot establish standing.").

Finally, petitioner has failed to satisfy the requirements for asserting associational standing on behalf of its members. Petitioner asserts that at least three of its members are present or former employees of Hobby Lobby, the employer against whom the underlying charge was filed, and that it also counts as members employees of other companies who wish to "help" employees of Hobby Lobby. But petitioner does not provide sufficient detail about the harms allegedly suffered by them to demonstrate that they "would have standing to sue in [their] own right." Sierra Club, 292 F.3d at 989; see also Chamber of Commerce of the United States v. EPA, 642 F.3d 192, 200 (D.C. Cir. 2011) ("When a petitioner claims associational standing, it is not enough to aver that unidentified members have been injured. Rather, the petitioner must specifically identify the members who have suffered the requisite harm." (internal citations omitted)).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

**Per Curiam**